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DISTRICT COURT OF GUAM
JAN 31 2007
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**IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
KYUNG MIN KIM,)
)
Defendant.)

CRIMINAL CASE NO. 00-00012

**UNITED STATES MOTION TO
DISMISS INDICTMENT AGAINST
DEFENDANT AND VACATE
ARREST WARRANT**

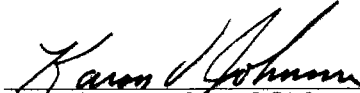
COMES NOW the United States of American, by and through undersigned counsel, and moves this Honorable Court for an order dismissing the above-entitled case as it concerns Kyung Min Kim. The defendant was one of several people indicted for trafficking in counterfeit goods. This arose out of an 1999 investigation where the five principals of the scheme were all convicted: David Ishimaru, Un Sung Ra, Chung Gil Dan, Sun Ah Walkinshaw, and Chung C. Deschaine. Unlike the investigations on the other defendants, Immigration and Custom Enforcement (ICE) never obtained audio recordings of Kim's discussions with his confederates. The man who could testify against him, Un Sung Ra, pled guilty but fled Guam before sentencing; a warrant is outstanding against Ra. Defendant knows his former associates were arrested and it is unlikely that he will ever return to Guam. Even if he were arrested and

1 extradited to Guam, the whereabouts of the main witness, Ra, are unknown. Given the passage
2 of time, a successful prosecution of this case appears unlikely. As well, the counterfeit goods
3 involved in the case have been retained by ICE, which is paying storage fees to preserve this
4 evidence. For all these reasons, the government believes the charges against Kyung Min Kim
5 should be dismissed and the warrant of arrest be vacated.

6 Respectfully submitted this 31st day of January, 2007.

7 LEONARDO M. RAPADAS
8 United States Attorney
9 Districts of Guam and NMI

10 By:

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12 KARON V. JOHNSON
13 Assistant U.S. Attorney
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